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Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 5-7, 10, 18-23, 27-31, and 36-38 are amended and claim 39 is added. These amendments to the claims constitute a bona fide attempt by applicant to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 6, lines 7-20, page 10, lines 9-17), figures (e.g., FIGS. 2-3), and claims and thus, no new matter has been added. Claims 1-39 are pending.

Request for Change of Attorney Docket Number:

Please change the attorney docket number as follows:

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Claim Rejections - 35 U.S.C. §102:

Claims 1-9 and 18-38 are rejected under 35 U.S.C. §102(e) as being anticipated by Holcman (U.S. Patent No. 6,115,607). Claims 10-17 are rejected under U.S.C. §102(e) as being anticipated by Willey (U.S. Patent No. 6,505,058). These rejections are respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since each of the applied references is missing at least one element of each of

applicant's independent claims, applicant respectfully submits that the claimed invention is not anticipated by either of the applied references, as further discussed below.

Applicant's invention, as defined by independent claim 1, is directed to a configuration that comprises:

A system for providing data communications between a first digital subscriber line data device and a network switch comprising:

a pilot branch for communicating with the first digital subscriber line data device via pilot signals when the first digital subscriber line data device is in a sleep mode;

a data branch for providing data communications between the first digital subscriber line data device and the network switch when the first digital subscriber line data device is active; and

a controller circuit for monitoring the pilot signals and for switching the first digital subscriber line data device from the pilot branch to the data branch when the first digital subscriber line data device becomes active based on the pilot signals.

For explanatory purposes, applicant discusses herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Applicant respectfully submits that the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the applied references fails to teach or suggest, for example, the controller circuit for monitoring the pilot signals and for switching the first digital subscriber line data device from the pilot branch to the data branch when the first digital subscriber line data device becomes active based on the pilot signals.

Holcman (col. 5, lines 13-33) discloses a network management center that requests that a mobile station's subscription status be changed to active and a mobile station that monitors pilot signals:

To discontinue service to the mobile station, a message originates at network management center 60 requesting that a particular mobile station's subscription status be changed to "inactive." The message is sent to home location register (HLR) 50 where the mobile station subscription status is changed to reflect that it is no longer an active subscriber within the system. However, in present communication systems, no message is relayed to the mobile station informing it of the status change. Consequently, all functions in the mobile station remain activated. For example, the mobile station continues to monitor nearby pilot signals, perform idle handoffs, and acknowledge messages sent by mobile switching center (MSC) 40.

Holcman discloses the network management center that requests that a mobile station's subscription status be changed to active and a mobile station that monitors pilot signals. There is no disclosure in Holcman of the network management center switching the subscription status based on the pilot signals. Simply missing from Holcman is any mention of the controller circuit for monitoring the pilot signals and for switching the first digital subscriber line data device from the pilot branch to the data branch when the first digital subscriber line data device becomes active based on the pilot signals.

So, Holcman fails to satisfy at least one of applicant's claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying Holcman to provide the claimed configuration. Applicant respectfully submits that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

For all the above reasons, independent claims 1, 18, and 28 presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims 2-9,

19-27, and 29-38 are believed allowable for the same reasons as the independent claims 1, 18, and 28, as well as for their own additional characterizations.

In addition, applicant's invention, as defined by independent claim 10, is directed to a configuration that comprises:

A system for routing data transmitted over a digital subscriber line that couples a communication interface and an interface circuit comprising:

a pilot circuit transmitter for transmitting a pilot signal to the communication interface;

a crosspoint circuit for receiving a wake-up signal in response to the pilot signal from the interface circuit; and

a controller for determining a route of the wake-up signal over the digital subscriber line and for instructing the crosspoint circuit to transmit the wake-up signal in accordance with the determined route.

Applicant respectfully submits that the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the applied references fails to teach or suggest, for example, a controller for determining a route of the wake-up signal over the digital subscriber line and for instructing the crosspoint circuit to transmit the wake-up signal in accordance with the determined route.

Willey (col. 8, lines 40-54, FIGS. 4A-4B) discloses a mobile station that determines if a pilot is stronger than a currently monitored pilot, and wakes up to receive a paging indication bit:

The mobile station scans (401) the neighbor pilots by waking up and measuring the pilot strengths of the neighboring pilots. The mobile station determines (405) if a neighboring pilot is sufficiently stronger than the currently monitored pilot. If the result of step 405 is negative, the mobile station proceeds to step 410...The mobile station wakes up and receives (410) the first paging indicator bit.

Willey discloses the mobile station wakes up if the neighboring pilot is sufficiently stronger than the currently monitored pilot. There is no disclosure in Willey of the mobile station determining a route for a wake-up signal over the digital subscriber line or transmitting the wake-up signal in accordance with the route. Simply missing from Willey is any mention of a controller for determining a route of the wake-up signal over the digital subscriber line and for instructing the crosspoint circuit to transmit the wake-up signal in accordance with the determined route.

So, Willey fails to satisfy at least one of applicant's claim limitations.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying Willey to provide the claimed configuration. Applicant respectfully submits that these documents fail to provide the express teaching, suggestion, or incentive, and the claimed invention is thus patentable over the art of record.

For all the above reasons, independent claims 1, 18, and 28 presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims 2-9, 19-27, and 29-38 are believed allowable for the same reasons as the independent claims 1, 18, and 28, as well as for their own additional characterizations.

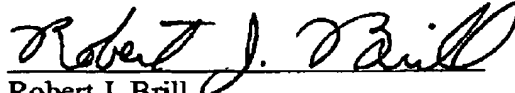
Withdrawal of the §102 rejections is therefore respectfully requested.

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In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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